

**§ 733.30. General duties of the mayor of a municipal corporation.**

The mayor shall perform all the duties prescribed by the bylaws and ordinances of the municipal corporation. He shall see that all ordinances, bylaws, and resolutions of the legislative authority are faithfully obeyed and enforced. He shall sign all commissions, licenses, and permits granted by such legislative authority, or authorized by Title VII [7] of the Revised Code, and such other instruments as by law or ordinances require his certificate.

**HISTORY: RS § 1746; Bates § 1536-637; 66 v 169, § 116; GC § 4258; Bureau of Code Revision. Eff 10-1-53.**

**§ 733.31. Filling vacancies in elective offices.**

(A) Unless otherwise provided by law, vacancies arising in appointive and elective offices of villages shall be filled by appointment by the mayor for the remainder of the unexpired term, provided that:

(1) Vacancies in the office of mayor shall be filled in the manner provided by [section 733.25](#) of the Revised Code;

(2) Vacancies in the membership of the legislative authority shall be filled in the manner provided by [section 731.43](#) of the Revised Code;

(3) Vacancies in the office of president pro tempore of a village legislative authority shall be filled in the manner provided by [section 731.11](#) of the Revised Code.

In the event of a vacancy in the office of village clerk or treasurer, the mayor may appoint a person to serve as an acting officer to perform the duties of the office until a permanent officer

is appointed to fill the vacancy.

(B) Unless otherwise provided by law, vacancies arising in appointive offices of cities shall be filled by appointment by the mayor for the remainder of the unexpired term.

(C) A vacancy in the office of president of the legislative authority of a city shall be filled in the same manner as provided in division (D) of this section. Vacancies in the office of mayor of a city shall be filled in the manner provided in [section 733.08](#) of the Revised Code. Vacancies in the membership of the legislative authority of a city shall be filled in the manner provided in [section 731.43](#) of the Revised Code.

(D) In case of the death, resignation, removal, or disability of the director of law, auditor, or treasurer of a city and such vacancy occurs more than forty days before the next general election for such office, a successor shall be elected at such election for the unexpired term unless such term expires within one year immediately following the date of such general election. In either event, the vacancy shall be filled as provided in this section and the appointee shall hold his office until a successor is elected and qualified.

(1) The county central committee of the political party with which the last occupant of the office was affiliated, acting through its members who reside in the city where the vacancy occurs, shall appoint a person to hold the office and to perform the duties thereof until a successor is elected and has qualified, except that if such vacancy occurs because of the death, resignation, or inability to take the office of an officer-elect whose term has not yet begun, an appointment to take such office at the beginning of the term shall be made by the members of the central committee who reside in the city where the vacancy occurs.

(2) Not less than five nor more than forty-five days after a vacancy occurs, the county central committee, acting through its members who reside in the city where the vacancy occurs, shall meet for the purpose of making an appointment. Not less than four days before the date of the meeting the chairman or secretary of the central committee shall send by first class mail to every member of such central committee who resides in the city where the vacancy occurs a written notice which shall state the time and place of such meeting and the purpose thereof. A majority of the members of the central committee present at such meeting may make the appointment.

(E) If the last occupant of the office or the officer-elect, as provided in division (D) of this section, was elected as an independent candidate, the mayor of the city shall make the appointment at the time the vacancy occurs.

(F) Appointments made under this section shall be certified by the appointing county central committee or by the mayor of the municipal corporation to the county board of elections and to the secretary of state. The persons so appointed and certified shall be entitled to all remuneration provided by law for the offices to which they are appointed.

(G) The mayor of the city may appoint a person to hold the city office of director of law, auditor, or treasurer as an acting officer and to perform the duties thereof between the occurrence of the vacancy and the time when the person appointed by the central committee qualifies and takes the office.

**HISTORY: RS Bates § 1536-1006; 96 v 95, § 228; 97 v 78, § 228; GC § 4252; 103 v 65; Bureau of Code Revision, 10-1-53; 134 v H 194 (Eff 2-17-72); 136 v S 97 (Eff 11-26-75); 137 v H 219 (Eff 11-1-77); 143 v S 196 (Eff 6-21-90); 144 v S 359. Eff 12-22-92.**

**§ 733.32. Communications to legislative authority of finances and general conditions.**

The mayor shall communicate to the legislative authority from time to time a statement of the finances of the municipal corporation, and such other information relating thereto and to the general condition of the affairs of such municipal corporation as he deems proper or as is required by the legislative authority.

**HISTORY: RS Bates § 1536-198; 96 v 34, § 38; GC § 4259; Bureau of Code Revision. Eff 10-1-53.**

**§ 733.33. Protest against excess of expenditures.**

If, in the opinion of the mayor, an expenditure, authorized by the legislative authority, exceeds the revenues of the municipal corporation for the current year, he shall protest against such expenditure, and enter such protest, and the reason therefor, on the journal of the legislative authority.

**HISTORY: RS § 1748; Bates § 1536-639; 66 v 261, § 657; GC § 4260; Bureau of Code Revision. Eff 10-1-53.**

**§ 733.34. Supervision of conduct of officers.**

The mayor shall supervise the conduct of all the officers of the municipal corporation, inquire into and examine the grounds of all reasonable complaints against any of such officers, and cause their violations or neglect of duty to be promptly punished or reported to the proper authority for correction.

**HISTORY: RS § 1747; Bates § 1536-638; 66 v 169, § 119; GC § 4262; Bureau of Code Revision. Eff 10-1-53.**

**§ 733.35. Mayor shall file charges against delinquent officers.**

The mayor of a municipal corporation shall have general supervision over each department and the officers provided for in Title VII [7] of the Revised Code. When the mayor has reason to believe that the head of a department or such officer has been guilty, in the performance of his official duty, of bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality, or habitual drunkenness, he shall immediately file with the legislative authority, except when the removal of such head of department or officer is otherwise provided for, written charges against such person, setting forth in detail a statement of such alleged guilt, and, at the same time, or as soon thereafter as possible, serve a true copy of such charges upon the person against whom they are made. Such service may be made on the person or by leaving a copy of the charges at the office of such person. Return thereof shall be

made to the legislative authority, as is provided for the return of the service of summons in a civil action.

**HISTORY: RS Bates § 1536-1003; 96 v 94, § 225; 97 v 385, § 225; GC § 4263; Bureau of Code Revision, 10-1-53; 129 v 582(641). Eff 1-10-61.**

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**§ 733.37. Suspension of accused pending hearing.**

Pending any proceedings under [sections 733.35](#) and [733.36](#) of the Revised Code, an accused person may be suspended by a majority vote of all members elected to the legislative authority of the municipal corporation, but such suspension shall not be for a longer period than fifteen days, unless the hearing of such charges is extended upon the application of the accused, in which event the suspension shall not exceed thirty days.

**HISTORY: RS Bates § 1536-1003; 96 v 94, § 225; 97 v 385, § 225; GC § 4265; Bureau of Code Revision. Eff 10-1-53.**

**§ 733.38. Power of legislative authority as to process.**

For the purpose of investigating charges filed pursuant to [section 733.35](#) of the Revised Code against the head of any department or officer, the legislative authority of a municipal corporation may issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before it, and such legislative authority may provide by ordinance for exercising and enforcing this section.

**HISTORY: RS Bates § 1536-1003; 97 v 385, § 225; GC § 4266; Bureau of Code Revision. Eff 10-1-53.**

**§ 733.39. Oaths; compulsory testimony; costs.**

In all cases in which the attendance of witnesses may be compelled for an investigation under [section 733.38](#) of the Revised Code, any member of the legislative authority of the municipal corporation may administer the requisite oaths, and such legislative authority has the same power to compel the giving of testimony by attending witnesses as is conferred upon courts. In all such cases, witnesses shall be entitled to the same privileges, immunities, and compensation as are allowed witnesses in civil cases, and the costs of all such proceedings shall be payable from the general fund of the municipal corporation.

**HISTORY: RS Bates § 1536-1003; 97 v 385, § 225; GC § 4267; Bureau of Code Revision. Eff 10-1-53.**

**§ 733.40. Disposition of fines and other moneys.**

Except as otherwise provided in [section 4511.193](#) of the Revised Code, all fines, forfeitures, and costs in ordinance cases and all fees that are collected by the mayor, that in any manner come into the mayor's hands, or that are due the mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses that have been advanced out of the treasury of the municipal corporation, and all money received by the mayor for the use of the municipal corporation shall be paid by the mayor into the treasury of the municipal corporation on the first Monday of each month. At the first regular meeting of the legislative authority each month, the mayor shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by [sections 3375.50](#) to [3375.52](#) or [4511.19](#) of the Revised Code, all fines, and forfeitures collected by the mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the mayor to the county treasury on the first business day of each month. Except as otherwise provided by [sections 3375.50](#) to [3375.52](#) or [4511.19](#) of the Revised Code, the mayor shall pay all court costs and fees collected by the mayor in state cases into the municipal treasury on the first business day of each month.

This section does not apply to fines collected by a mayor's court for violations of division (B) of [section 4513.263](#) of the Revised Code, or for violations of any municipal ordinance that is substantively comparable to that division, all of which shall be forwarded to the treasurer of state as provided in division (E) of [section 4513.263](#) of the Revised Code.

**HISTORY: RS § 1751; Bates § 1536-643; 66 v 170, § 123; GC § 4270; 108 v Pt.II, 1203; 112 v 141; Bureau of Code Revision, 10-1-53; 125 v 297 (Eff 10-13-53); 125 v 912 (Eff 10-13-53); 141 v S 54 (Eff 5-6-86); 145 v S 62. Eff 9-1-93; 149 v S 123, § 1, eff. 1-1-04.**

**§ 733.41. Annual report to legislative authority.**

At the first regular meeting in January of each year, and at such other times as the mayor deems expedient, he shall report to the legislative authority concerning the affairs of the municipal corporation, and recommend such measures as seem proper to him.

**HISTORY: RS § 1750; Bates § 1536-642; 66 v 179, § 122; GC § 4271; Bureau of Code Revision. Eff 10-1-53.**

